



IPR

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tetsunori KODA et al.

Group Art Unit: 1773

Application No.: 10/765,049

Examiner: H. RICKMAN

Filed: January 28, 2004

Docket No.: 118487

For: MAGNETIC RECORDING MEDIUM, METHOD FOR PRODUCING THE SAME,  
AND MAGNETIC RECORDING APPARATUS

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the June 1, 2006 Election of Species Requirement, Applicants provisionally elect Group I, and confirm that at least claims 1-9 and 13 read on the elected species.

Applicants respectfully submit that at least claims 1-9 and 13 are generic.

It is also respectfully submitted that the subject matter of both species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid

unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Jeffrey R. Bousquet  
Registration No. 57,771

JAO:JRB/tje

Date: June 30, 2006

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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